

## Message Text

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ACTION EUR-12

INFO OCT-01 IO-13 ISO-00 CIAE-00 DODE-00 PM-04 H-01 INR-07  
L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06  
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TO AMEMBASSY BONN  
INFO SECSTATE WASHDC 4134  
AMEMBASSY BERLIN UNN  
AMEMBASSY LONDON  
AMEMBASSY MOSCOW  
AMEMBASSY PARIS  
USMISSION USNATO

C O N F I D E N T I A L USBERLIN 0619

E.O.11652: GDS  
TAGS: WB, PGOV, FR, UK, US, UR  
SUBJECT: REICHSBAHN RETREATS FROM VIOLATION OF ALLIED LEGISLATION  
IN FORCE IN BERLIN

REFS : A) USBERLIN 0122 B) USBERLIN 0273

1. SUMMARY: IN MID-FEBRUARY US ELEMENT ISSUED ORDER SIMILAR  
TO BRITISH ORDER CITED IN REF. B TO HALT INTENDED REICHSBAHN  
SHIPMENT THREE CAR LOADS REICHSTAHN PROPERTY FROM US  
SECTOR TO GDR WITHOUT APPROVAL US SECTOR AUTHORITIES.  
US CONCERN WAS BACKED BY DESPATCH OF TWO DEMONSTRATIVE MP  
PATROLS TO REICHSBAHN OPERATING TERRITORY. BRITISH HALTED  
ADDITIONAL THREE REICHSBAHN CARS. IN PASTWEEK US AND  
BRITISH SECTORS HAVE RECEIVED OUTSTANDING REQUESTS FROM  
REICHSBAHN FOR DAUERGENEHMIGUNGEN AND FOR AUTHORIZATION TO  
MOVE BLOCKED SHIPMENTS. THESE REQUESTS HAVE BEEN ADDRESSED  
SIMPLY TO BRITISH MILITARY GOVERNMENT AND UNITED STATES  
MISSION, AVOIDIN BERLIN VERSUS BERLIN ( WEST) ADDRESS  
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QUESTION WHICH HAS BEEN DEEMED ACCEPTABLE. THIS HAS  
ENDED THIS EPISODE OF REICHSBAHN NON-COMPLIANCE WITH  
ALLIED LEGISLATION. HOWEVER, STRONG POLITICAL CONTENT IN  
REICHSBAHN ACTION ASSURES GDR WILL MAKE FURTHER EFFORTS  
TO USE REICHSBAHN'S SPECIAL POSITION TO ADVANCE GDR ASSER-  
TIONS WITH RESPECT TO ITS ROLE IN WESTERN SECTORS OF BERLIN.  
END SUMMARY.

2. FOLLOWING BRITISH ACTION TO STOP THREE FREIGHT CARS FROM MOVING OUT OF BRITISH SECTOR WITHOUT REQUIRED LAW BK/O(49)217 APPROVAL, US AUTHORITIES WERE PRESENTED WITH SIMILAR OPPORTUNITY TO DEAL WITH REICHSBAHN DEFIANCE. US SIDE REACTED TO DISCOVERY OF THREE CARS PREPARING FOR MOVEMENT OUT OF GBH TEMPELHOF TO GDR BY LAND DELIVERING LETTERS TO REICHSBAHN OFFICIALS DEEMED RESPONSIBLE (STATION MASTER IN BERLIN-TEMPELHOF AND CHIEF OF THE HOCHBAUMEISTEREI IN BERLIN-LEHRTER BF) PROSCRIBING MOVEMENT. AS THERE WERE INDICATIONS REICHSBAHN INTENDED TO MOVE CARLOADS OUT BY NIGHT, THESE ORDERS WERE BACKED BY DESPATCHING TWO DEMONSTRATIVE MP PATROLS TO SITE WHERE RAIL CARS WERE LOADING ACCOMPANIED BY BERLIN POLICE. SUBSEQUENTLY, BRITISH DISCOVERED ANOTHER THREE CAR LOADS REICHSBAHN PROPERTY IN THEIR SECTOR PREPARED FOR EASTERN SHIPMENT WITHOUT ALLIED PERMISSION. THEY PROMPTLY ISSUED ANOTHER SPECIAL LETTER WARNING REICHSBAHN THAT SUCH SHIPMENT WOULD BE ILLEGAL, BRINGING TOTAL OF RAIL CARS BLOCKED IN WEST BERLIN TO NINE.

3. IN A DISCUSSION WITH REICHSBAHN, SENAT REICHSBAHN LIAISON OFFICER RECEIVED IMPRESSION REICHSBAHN PREPARED TO SUBMIT APPLICATIONS IF ALLIES ACCEPTED BERLIN ( WEST) ADDRESS. PREVIOUS COMMUNICATIONS FROM REICHSBAHN DURING 1976 BEARING THIS ADDRESS WHICH RAISES STATUS PROBLEMS HAD BEEN RETURNED BY ALLIES WITHOUT ACTION. REICHSBAHN HAD EVENTUALLY RESUBMITTED APPLICATIONS WITH CORRECT BERLIN ADDRESS. REICHSBAHN WAS INFORMED BY SENAT LIAISON OFFICER CONFIDENTIAL

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THAT INCORRECTLY ADDRESSED APPLICATIONS WOULD BE RETURNED.

4. ALLIED CONSULTATIONS THEN CENTERED ON NEXT MOVES FOR SUBMISSION TO BONN CONSIDERATION. THESE CONSIDERATIONS INCLUDED SCHEDULING OF MOVING ALLIED MILITARY PATROLS ON REICHSBAHN OPERATING TERRITORIES ( SEEN AS A BARGAINING CHIP BECAUSE SUCH PATROLS WOULD VISIBLY CONTRADICT GDR THEORY THAT REICHSBAHN HAS PLENARY AUTHORITY IN REICHSBAHN OPERATING LANDS IN WESTERN SECTORS OF BERLIN), BARRING FROM WESTERN SECTORS OF BERLIN AND/OR PROSECUTION OF RESPONSIBLE REICHSBAHN OFFICIALS UNDER ORDINANCE 511.

5. WHETHER OR NOT REICHSBAHN / GDR GOT WIND OF TOUGH LINE PURSUED IN ALLIED DISCUSSIONS OR ARRIVED AT CONCLUSION TO MOVE FROM OTHER CONSIDERATIONS, THEY ABRUPTLY CHANGED COURSE. FIRST BREAK IN REICHSBAHN PROBE OCCURRED 15 FEB., WHEN REICHSBAHN SUBMITTED APPLICATIONS FOR OUTSTANDING DAUERGENEHMIGUNGEN FOR CARS WHOSE MOVEMENT BRITISH HAD ORDERED BLOCKED. NEW APPLICATIONS WERE ADDRESSED SIMPLY

TO BRITISH MILITARY GOVERNMENT AT OLYMPIC STADIUM AND CONTAINED NO BERLIN ADDRESS, NEITHER BERLIN NOR BERLIN ( WEST). UK ELEMENT REASONED THAT THESE APPLICATIONS WERE ACCEPTABLE SINCE THEY DID NOT BEAR OFFENSIVE BERLIN ( WEST) DESIGNATOR, AND AFTER CHECK WITH US AND FRENCH ELEMENTS APPROVED AND RETURNED THEM.

6. BEGINNING LAST WEEK REICSHSAHN BEGAN SUBMITTING APPLICATIONS FOR DAUERGENEHMIGUNG AND SUBSEQUENTLY FOR INDIVIDUAL SHIPMENTS TO US SIMILARLY ADDRESSED " US MISSION", IN SOME CASES THESE APPLICATIONS BORE STREET ADDRESSES BUT NONE A BERLIN DESIGNATION. MISSION DETERMINED THAT APPLICATIONS WERE ACCEPTABLE AS THEY DID NOT CONTAIN OBJECTIONABLE BERLIN (WEST) ADDRESS AND THEY WERE APPROVED AND RETURNED. ON FEBRUARY 25 WE RECEIVED APPLICATION FOR THREE FREIGHT CARS WE HAD ORDERED HELD IN GBH TEMPELHOF. WITH APPROVAL OF THIS REICHSBAHN APPLICATION , THIS EPISODE HAS BEEN BROUGHT TO CONFIDENTIAL

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AN END.

7. COMMENT: IN THE PRESENT EPISODE THE GDR AGAIN SHOWED APPRECIATION THAT THE REICHSBAHN'S ROLE IN BERLIN MAKES IT A CONVENIENT INSTRUMENT FOR ASSERTION OF GDR STATUS CLAIMS. STRONG GDR POLITICAL DIRECTION OF REICHSBAHN ACTIVITIES IN WSB HAS BEEN PARTICULARLY EVIDENT IN THE LAST TWO YEARS. MANNER IN WHICH REICHSBAHN HAS ATTEMPTED TO CHANGE FREIGHT RATES, CHANGE CONTRACTS WITH THE PRIVATE RAIL LINES IN WSB, ADJUST SIDING FEES AND THE LATEST RELUCTANT COMPLIANCE WITH ALLIED DIRECTIVES IN THE WESTERN SECTORS HAVE SOUGHT TO ADVANCE REICHSBAHN CLAIM TO AN EXTRA-TERRITORIAL STATUS IN WESTEBERLIN. IN THE PRESENT CASE THEY HAVE AGAIN RETREATED IN THE FACE OF ALLIED DETERMINATION, BUT FURTHER PROBES ARE TO BE EXPECTED. GEORGE

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